SOUTHERN DISTRICT OF NEW YORK	-
EMELIKE NWOSUOCHA,	:
Plaintiff,	: : 1:21-cv-04047 (VM)
v.	: DECLARATION OF
DONALD MCKINLEY GLOVER, II, et al.,	: JONATHAN D. DAVIS
Defendants.	: :
	: x

JONATHAN D. DAVIS declares as follows:

INTERESTANTA DIGENTAL COLLEGE

- 1. I am the sole shareholder of Jonathan D. Davis, P.C., attorneys for Defendant Donald Glover in the above-captioned action. I am fully familiar with the matters set forth herein.
- 2. I submit this declaration in support of the Defendants¹ joint motion, in accordance with the Order, dated June 24, 2022, under Fed. R. Civ. P. 12(b)(6) for an order: (1) dismissing the Complaint [ECF Dkt. No. 1] because neither the musical composition "Made in America" ("Plaintiff's Composition"), nor the music video embodying Plaintiff's Composition, is registered with the United States Copyright Office, which is a prerequisite to filing a copyright claim; or, alternatively, (2) dismissing the copyright infringement claim for failure to adequately plead "access" or "substantial similarity" between Plaintiff's Composition and "This is America" (the "Challenged Composition").

¹ "Moving Defendants" refers to Donald McKinley Glover, II, Ludwig Emil Tomas Göransson, Jefferey Lamar Williams, Kobalt Music Publishing America, Inc. d/b/a Songs of Kobalt Music Publishing, RCA Records, Sony Music Entertainment, Young Stoner Life Publishing, LLC, 300 Entertainment LLC (f//k/a Theory Entertainment LLC d/b/a 300 Entertainment), Roc Nation Publishing LLC d/b/a Songs of Roc Nation, Atlantic Recording Corporation, Songs of Universal, Inc., Warner Music Group Corp., and Warner-Tamerlane Publishing Corp.

- 3. Attached as Exhibit A is a copy of the Complaint.
- 4. Attached as <u>Exhibit B</u> is U.S. Copyright Registration (Pau000354788) for the musical composition "Made In America," registered in 1981, and authored by David Doyle and A.J. Loria.
- 5. Attached as Exhibit C is U.S. Copyright Registration (PA0000890766) for the musical composition "Made In America," registered in 1998, and authored by Richie Sambora and Richie Supa.
- 6. Attached as <u>Exhibit D</u> is U.S. Copyright Registration (PA0001768256) for the musical composition "Made In America" registered in 2011, and authored by Frank Ocean, Kanye West, Shawn Carter, Shama Joseph, and Mike Dean.
- 7. Attached as <u>Exhibit E</u> is U.S. Copyright Registration (PA0001776533) for the musical composition "Made In America," registered in 2011, and authored by Toby Keith Covel, Bobby Pinson, and Gregory Scott Reeves.
- 8. Attached as <u>Exhibit F</u> is U.S. Copyright Registration (PA0001786233) for the musical composition "Made In America," registered in 2012, and authored by John Sembello.
- 9. Attached as <u>Exhibit G</u> is U.S. Copyright Registration (PA0001864125) for the musical composition "Made In America," registered in 2013, and authored by Kevin Fransen, Tim Kmet, and Gail Irmen.
- 10. Attached as Exhibit H is U.S. Copyright Registration (PA0002119555) for the musical composition "Made In America," registered in 2017, and authored by Jayceon Terrell Taylor and Marcus Black.
 - 11. Attached as Exhibit I are the lyrics for Plaintiff's Composition.
 - 12. Attached as Exhibit J are the lyrics for Challenged Composition.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct. Executed at New York, New York, on this 9th day of September 2022.

/s/ Jonathan D. Davis JONATHAN D. DAVIS